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SUSAN M SPRAUL, CLERK
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT

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RICHARD W. WICKING
CLERK, U.S. BANKRUPTCY COURT
NINTH CIRCUIT

UNITED STATES BANKRUPTCY APPELLATE PANEL

OF THE NINTH CIRCUIT

CV 11 80 287 MISC

RS

In re:	)	BAP No.	NC-11-1536
)		
	)	Bk. No.	11-33107
JULIE NELSON BLANKENHORN;)		
)		
Debtor.)		
_____)		
JULIE NELSON BLANKENHORN,)		
)		
Appellant,	)	ORDER TRANSFERRING IFP MOTION	
	)	(Immediate Action Required)	
)		
v.)		
)		
DANIEL J. ROSENBLEDT, Trustee)		
of Rosenbledt Pie Trust Dated)		
March 25, 2000,)		
)		
Appellee.)		
_____)		

Before: DUNN and PAPPAS, Bankruptcy Judges.

On September 27, 2011, appellant filed a financial affidavit which we construe as a motion for leave to proceed in forma pauperis with respect to this appeal ("IFP Motion").

Under the holding of Perroton v. Gray (In re Perroton), 958 F.2d 889 (9th Cir. 1992) and Determan v. Sandoval (In re Sandoval), 186 B.R. 490, 496 (9th Cir. BAP 1995), the Bankruptcy Appellate Panel has no authority to grant in forma pauperis

motions under 28 U.S.C. § 1915(a) because bankruptcy courts are not "court[s] of the United States" as defined in 28 U.S.C. § 451.

Therefore, appellant's IFP Motion is hereby TRANSFERRED to the United States District Court for the Northern District of California for the limited purpose of ruling on the IFP Motion.

It is appellant's responsibility to take all necessary steps to have the IFP Motion considered by the district court within a reasonable period of time.

No later than **Friday, December 9, 2011**, appellant must file with the Panel and serve on opposing counsel a written response which includes as an exhibit a copy of the district court's order on the IFP Motion or an explanation of the steps appellant has taken to have the IFP Motion considered by the district court.

For the convenience of the district court, copies of the notice of appeal, the orders on appeal and the IFP Motion are attached to this order.

A briefing schedule will be issued concurrently with entry of this order. Appellant's opening brief and excerpts of the record must be filed no later than **Friday, December 23, 2011**. In the briefs, the parties should address whether this appeal has been rendered moot by the dismissal of the Chapter 11 case

on September 27, 2011. See Bankruptcy Court Docket at 38 (Order and Notice of Dismissal).

Failure to comply with the requirements of this order may result in dismissal of this appeal for lack of prosecution without further notice to the parties. 9th Cir. BAP R. 8070-1.

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SEP 27 2011

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

JULIE NELSON BLANKENHORN
990 AVENUE ALAMBRA
EL GRANADA CA 94018
(650) 757-6528

BAP# NC-11-1536

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Bankruptcy Case No. 11-33107
Chapter //

JULIE NELSON BLANKENHORN
Debtor

DANIEL J. ROSENBLEDT, Trustee of
Rosenbledt PIE Trust Dated
March 15, 2000,
Movant,

vs.

JULIE NELSON BLANKENHORN,
Respondent.

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U.S. BANKRUPTCY COURT
OF THE NORTHERN DISTRICT
OF CALIFORNIA

SEP 30 2011

FILED
DOCKETED *9/30/11* *FB*
DATE IN

NOTICE OF APPEAL TO THE BANKRUPTCY APPELLATE PANEL

PLEASE TAKE NOTICE that JULIE NELSON BLANKENHORN, respondent in the above styled and numbered cause, appeals from the order of the bankruptcy court granting relief from stay and the same court's subsequent order dated September 19, 2011 denying respondent's timely filed motion for reconsideration. See Exhibits A & B attached. The names of all parties to the Order appealed from and the names, addresses and telephone numbers of their respective attorneys are as follows:

- Counsel for Plaintiff DANIEL J. ROSENBLEDT, TRUSTEE OF ROSENBLEDT PIE TRUST DATED MARCH 25, 2000 :**

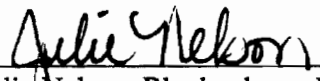
Brenda Cruz Keith
1965 Market Street, 2nd Floor
San Francisco, CA 94103
415.626.6494

2. **Counsel for the Respondent JULIE NELSON BLANKENHORN:**

Julie Nelson Blankenhorn, Respondent / Appellant
990 Avenue Alhambra
El Granada, CA 94018

Dated: September 26, 2011

Respectfully submitted,


Julie Nelson Blankenhorn, REspodnent / Appellant
990 Avenue Alhambra
El Granada, CA 94018

CERTIFICATE OF SERVICE

I, Julie Nelson Blankenhorn declare under penalty of perjury that on September 26, 2011,
copies of NOTICE OF APPEAL were served by sending a true and correct copy to each party
by sending a copy thereof by enclosing same in an envelope with first class postage prepaid and
addressed as follows by depositing same in the post office at El Granada, California :

Brenda Cruz Keith
1965 Market Street, 2nd Floor
San Francisco, CA 94103
Attorney for Plaintiff

Dated: September 26, 2011

Respectfully submitted,

Julie Nelson Blankenhorn, Defendant / Appellant
990 Avenue Alhambra
El Granada, CA 94018

Entered on Docket
September 13, 2011
GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: September 12, 2011


THOMAS E. CARLSON
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re	)	Case No. 11-33107 TEC
)	
JULIE NELSON-BLANKENHORN	)	Chapter 11
)	
Debtor.	)	Date: September 12, 2011
	)	Time: 1:00 p.m.
	)	Ctrm: Hon. Thomas E. Carlson
	)	235 Pine St., 23rd Fl.
	)	San Francisco, CA

ORDER RE RELIEF FROM THE AUTOMATIC STAY

On September 12, 2011, the court held a hearing on Daniel J. Rosenbledt's Motion for Relief from the Automatic Stay and Motion for Monetary Sanctions. Brenda Cruz Keith appeared on behalf of Movant. Debtor appeared *pro se* in opposition to the Motions. Upon due consideration, and for the reasons stated on the record at the hearing, the court hereby orders as follows:

(1) The automatic stay under 11 U.S.C. § 362(a) is vacated under 11 U.S.C. § 362(d)(1) as to Movant's interest in real property located at 990 Avenue Alhambra, El Granada, San Mateo County, California, 94018, also designated as 990 Avenue Alhambra, Half Moon Bay, California, 94019 (hereinafter "The Property"),

ORDER RE MOTION FOR RELIEF
FROM THE AUTOMATIC STAY

1 to permit Movant to pursue all his rights and remedies in and to
2 The Property.

3 (2) The Movant is permitted to complete all his legal remedies
4 in state court to obtain possession of The Property.

5 (3) In the event this chapter 11 proceeding is converted to
6 another chapter, this Order is deemed binding and of full force and
7 effect in any such converted proceeding as to the parties and The
8 Property herein.

9 (4) The provisions of Federal Rule of Bankruptcy Procedure
10 4001(a)(3) shall not apply.

11 (5) Movant's Motion for Monetary Sanctions is denied.

12 (6) Pursuant to 11 U.S.C. § 362(d)(4), Movant's rights and
13 remedies regarding The Property shall not be affected by any
14 bankruptcy petition filed by any party under any chapter in any
15 district on or before September 12, 2013. The San Mateo Sheriff
16 may rely upon this Order to complete eviction notwithstanding any
17 bankruptcy petition filed by any party before September 12, 2013.

18 **END OF ORDER**
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ORDER RE MOTION FOR RELIEF
FROM THE AUTOMATIC STAY

Court Service List

Julie Nelson-Blankenhorn
990 Avenue Alhambra
Half Moon Bay, CA 94019

EXHIBIT A

EXHIBIT B

September 20, 2011
GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



Signed and Filed: September 19, 2011


THOMAS E. CARLSON
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re) Case No. 11-33107 TEC
JULIE NELSON-BLANKENHORN,) Chapter 11
aka JULIE BLANKENHORN,)
Debtor.)

ORDER DENYING MOTION FOR RECONSIDERATION

On September 13, 2011, this court granted relief from stay in this case to permit enforcement of a pre-petition unlawful detainer action after a pre-petition foreclosure sale. On September 15, 2011, Debtor filed a motion for reconsideration of that order. The chapter 7 case previously filed by Debtor's husband presents the same issue regarding the same property. Julie Nelson-Blankenhorn's motion for reconsideration is denied for the reasons stated in the Memorandum re Debtor's Motion for Reconsideration filed in the Bruce Allan Blankenhorn bankruptcy case (11-31835 TEC) on July 12, 2011.

****END OF ORDER****

Court Service List

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Julie Nelson-Blankenhorn
990 Avenue Alhambra
Half Moon Bay, CA 94019

BAP# NC-11-1536

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SEP 28 2011

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

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U.S. BKCY APP. PANEL
OF THE NINTH CIRCUIT

SEP 30 2011

FILED _____

DOCKETED _____
DATE INITIAL

TO: Bankruptcy Appellate Panel of the Ninth Circuit, 125 S. Grand Avenue, Pasadena, CA, 91105

CASE NAME: Julie Nelson-Blankenhorn

BANKRUPTCY NO.: 11-33107- TC

BANKRUPTCY JUDGE: Thomas E. Carlson

DATE NOTICE OF APPEAL FILED: September 27, 2011

DATE OF ENTRY OF ISSUE: September 12, 2011 & September 19, 2011

DATE BANKRUPTCY FILED: August 24, 2011

DATE OF TRANSMITTAL: September 28, 2011

Da'Wana L. Chambers
Deputy Clerk

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

SEP 28 2011

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

Re: Julie Nelson-Blankenhorn

Case No.: 11-33107- TC

Chapter 11

Debtor(s) /

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JULIAN M. SPRAD, Clerk
U.S. BANKRUPTCY APPELATE PANEL
OF THE NINTH CIRCUIT

SEP 30 2011

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DOCKETED _____

NOTICE OF REFERRAL OF APPEAL TO BANKRUPTCY APPELLATE PANEL

TO ALL PARTIES:

YOU AND EACH OF YOU are hereby notified that the enclosed notice of appeal has been filed by with the Clerk of the Bankruptcy Court. By virtue of the orders of the Judicial Council of the Ninth Circuit and the District Court for this district, the above appeal has been referred to the United States Bankruptcy Appellate Panel of the Ninth Circuit (BAP).

Dated: September 28, 2011

Gloria L. Franklin, Clerk
United States Bankruptcy Court

By: Da'Wana L. Chambers
Deputy Clerk

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FINANCIAL AFFIDAVIT
IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICE WITHOUT PAYMENT OF FEE

SEP 27 2011

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

IN THE CASE OF DANIEL J. ROSENBLUM v.s. JULIE NELSON - BLANCHARD

LOCATION NUMBER
11-33107

IN UNITED STATES ☐ MAGISTRATE ☐ DISTRICT ☒ APPEALS COURT or ☒ OTHER PANEL (Specify below)

FOR JULIE NELSON AT BLANCHARD

PERSON REPRESENTED (Show your full name)
JULIE NELSON - BLANCHARD
190 AVENUE K HAMBURG

- ☐ Defendant - Adult
- ☐ Defendant - Juvenile
- ☐ Appellant
- ☐ Probation Violator
- ☐ Parole Violator
- ☐ Habeas Petitioner
- ☐ 2255 Petitioner
- ☐ Material Witness
- ☒ Other DEBTOR / APPELLANT

DOCKET NUMBERS
Magistrate
District Court
Court of Appeals

CHARGE/OFFENSE (describe if applicable & check box →) ☐ Felony ☐ Misdemeanor

EMPLOYMENT
Are you now employed? ☐ Yes ☐ No ☒ Am Self-Employed
Name and address of employer: _____
IF YES, how much do you earn per month? \$ 800.00 IF NO, give month and year of last employment _____
How much did you earn per month? \$ _____
If married is your Spouse employed? ☐ Yes ☒ No
IF YES, how much does your Spouse earn per month? \$ _____ If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____

OTHER INCOME
Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No
IF YES, GIVE THE AMOUNT RECEIVED & IDENTIFY THE SOURCES
RECEIVED \$ _____ SOURCES _____
\$ _____
\$ _____

ASSETS
CASH
Have you any cash on hand or money in savings or checking accounts? ☒ Yes ☐ No IF YES, state total amount \$ 1400
PROPERTY
Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☒ Yes ☐ No
IF YES, GIVE THE VALUE AND DESCRIBE IT
VALUE \$ (200,000) DESCRIPTION 289 GABLE TRAIL DRIVE
\$ _____
\$ _____
\$ _____

OBLIGATIONS & DEBTS
DEPENDENTS
MARITAL STATUS ☐ SINGLE ☐ MARRIED ☐ WIDOWED ☒ SEPARATED OR DIVORCED
Total No. of Dependents 3
List persons you actually support and your relationship to them
BRIAN BLANCHARD
LAUREN BLANCHARD
KEVIN BLANCHARD

DEBTS & MONTHLY BILLS
(LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CREDIT ACCOUNTS, ETC.)
APARTMENT OR HOME: 289 GABLE TRAIL DRIVE HAMBURG
Creditors BORG Total Debt \$ 9007 Monthly Paymt. \$ 16,000
\$ _____
\$ _____
\$ _____

I certify under penalty of perjury that the foregoing is true and correct.

Executed on (date) 9/26/11

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

Julie Nelson

11-1536

DistCt, San Francisco
District of California Northern (San Francisco)
450 Golden Gate Avenue
16th Floor, Room 1111
San Francisco, CA 94102
